

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 27967 of 2007(D)

PETITIONER:

FOUSI, D/O.LATE ABDUL AZIZ, AGED 45
YEARS, RESIDING AT PARAMBIL HOUSE,
LABBAKKADA KARA, AYYAPPANKOVIL VILLAGE,
UDUMBANCHOLA TALUK.

BY ADV. SRI.C.K.PAVITHRAN

RESPONDENTS:

1. C.D.SEBASTIAN, S/O.DEVACIA, AGED ABOUT
65 YEARS, CHITTAPPANATTU HOUSE, LABBAKKADA KARA,
AYYAPPANKOVIL VILLAGE, UDUMBANCHOLA TALUK.
2. KANCHIAR GRAMA PANCHAYATH,
REPRESENTED BY THE SPECIAL GRADE SECRETARY
KANCHIAR, PIN - 685511.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 27967 OF 2007

Dated this the 2nd day of November, 2007

JUDGMENT

The allegation of the petitioner is that his neighbour, the 1st respondent, is constructing a multi storied building in gross violation of the Municipality Building Rules which have been extended to Panchayat areas within the State. Counsel for the 1st respondent submits that the extent of the 1st respondent's property is just 2 cents and the allegation that a multi storied building is constructed by him is a highly exaggerated one. The ground floor was constructed at a time when the statutory rules were not in force to the Panchayats. There is no intention to construct additional floors to the ground floor which is existing. The construction of additional floors even if taken up will be on the basis of permit to be obtained pursuant to the statutory rules. Counsel for the Petitioner submits that the ground floor of the building constructed by the 1st respondent is without obtaining a permit in that regard from the Panchayat.

I do not propose to go into the correctness of the allegations and contentions. Ext.P2 complaint is submitted by the petitioner before the Secretary of the Panchayat. The Secretary of the Panchayat will take up Ext.P3, hear the petitioner and the 1st respondent and take a correct

decision. Decision as directed above will be taken at the earliest and at any rate within six weeks of receiving copy of this judgment. In the meanwhile the 1st respondent is directed not to construct any floors over the ground floor.

PIUS C. KURIAKOSE, JUDGE

btt

